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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,786	12/17/2001	Terry Robison	10016714-1	7103

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EXAMINER

OPIE, GEORGE L

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/022,786		Terry Robison	
	<b>Examiner</b>		<b>Art Unit</b>	
	George L. Opie		2151	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10, 12-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 4-5, 11 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All    b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 14) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____            |
| 15) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 16) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 19) <input checked="" type="checkbox"/> Other: Text Docs for USP5,881,315 USP5,123,091 |

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**DETAILED ACTION**

1. Request for copy of Applicant's response on floppy disk:  
Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk. Please include all pending claims along with your responsive remarks. Only the paper copy will be entered – your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory, however, it will help expedite the processing of your application. Your cooperation is appreciated.

2. Allowable Subject Matter

3. Claims 4-5, 11 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The U.S. Patents used in the art rejections below have been provided as text documents which correspond to the U.S. Patents. The relevant portions of the text documents are cited according to page and line numbers in the art rejections below. For the convenience of Applicant, the cited sections are highlighted in the *text documents*.

5. Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 7-9, 13-15 and 19-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Newman (U.S. Patent 5,123,091). (U.S. Patent 5.).

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As to claim 1, Newman (p17 20-30) teaches a method for operating a computer (method for packetizing data) comprising:

(a) preselecting at Least a first time limit (predetermined time, based on said baud rate) and a second time limit (message byte length)

(b) receiving an event signal from an event source (messages from a given peripheral)

(c) adding a change event corresponding to the received event signal to a list of change events in a memory of the computer (subsequent bytes are sent/stored into buffer 415, p11 5-54)

(d) iteratively repeating steps (b) and (c) (loop 520 to decision block 509, p13 33 – p14 5) while neither the first predetermined time limit between consecutive said event signals is exceeded (until the inter-character timer expires, p11 5-12) nor the second predetermined time limit since the receipt of a received event signal corresponding to a first change event in the List of change events is exceeded (terminating a packet and transmitting the packet ... if a predetermined time ... passes from the time a last byte was received, p17 20-30) and

(e) dispatching the List of change events for a thread (packetizing of data ... and placed in the queue to send, p16 30-34) upon expiration of any of the first predetermined time limit (intercharacter timers expire, p11 32-47) or the second predetermined time limit (send a packet when its size is equal to said message byte length, p17 20-30).

Although Newman does not describe his established byte length limit in terms of a time period, it would have been obvious that the stipulated length limit intrinsically specifies a time constraint for triggering the dispatching of data which would serve as a second time limit to initiate the data dispatch.

As to claim 2, Newman (p11 5-54) teaches buffering an effect of said change events (stored in the buffer 415) until a cumulative effect of said plurality of change events is determined (packets are considered complete if the number of characters equals the maximum packet size).

As to claim 7, Newman teaches the "sequence of events continues", p11 5-54 and subsequent bytes are "stored in buffer 415", which corresponds to the iteratively repeating steps (b) through (e), and wherein a new list of change events is constructed for each iteration of steps (b) through (e).

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As to claims 8-9, note the rejections of claims 1-2 above. Claims 8-9 are the same as claims 1-2, except claims 8-9 are apparatus claims and claims 1-2 are method claims.

As to claim 13, Newman (p14 39 – p15 5) teaches “device codes” for specifying identifications to associate given data with particular processes, which corresponds to the computing apparatus is configured to specify a thread name and to dispatch said List of change events to a thread having the specified name.

As to claims 14-15 and 20, note the rejections of claims 1-2 and 7 respectively. Claims 14-15 and 20 are the same as claims 1-2 and 7, except claims 14-15 and 20 are computer program product claims and claims 1-2 and 7 are method claims.

As to claim 19, note the rejection of claim 13 above. Claim 19 is the same as claim 13, except claim 19 is a computer program product claim and claim 13 is an apparatus claim.

7. Claims 3, 6, 10, 12, 16 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Newman and further in view of Cohen (U.S. Patent 5,881,315).

As to claim 3, Cohen teaches determining relevance of the event signals in accordance with predetermined relevance criteria (event type database 44 ... filter data, p6 41-48) and wherein said adding a change event corresponding to the received event signal to a list of change events is performed only for event signals meeting the predetermined relevance criteria (parsing operation to determine whether the event gets passed on, p7 20-53). It would have been obvious to combine Cohen's teachings with Newman's event dispatch system because the filtering function would facilitate a mechanism for eliminating extraneous events, thereby further increasing the efficacy of the transmission management service. See also Cohen p11 45-57).

As to claims 6, of the Cohen teachings associated with claim 3 supra.

As to claims 10 and 12, note the rejections of claims 3 and 6 respectively. Claims 10 and 12 are the same as claims 3 and 6, except claims 10 and 12 are apparatus claims and claims 3 and 6 are method claims.

As to claims 16 and 18, note the rejections of claims 3 and 6 above. Claims 16 and 18 are the same as claims 3 and 6, except claims 16 and 18 are computer program product claims and claims 3 and 6 are method claims.

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8. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure. Specifically, the below reference(s) will also have relevancy to one or more elements of the Applicant's claimed invention as follows:

U.S. Patent No. 5,819,281 to Cummins which teaches the conveying certain identified "relevant" applicable events;

U.S. Patent No. 5,493,648 to Murray et al. which teaches the display updates with time parameters for optimizing data exchange; and,

U.S. Patent No. 5,317,331 to Patty et al. which teaches the qq.

#### **Contact Information:**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private-PAIR or Public-PAIR.

Status information for unpublished applications is available through Private-PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

All responses sent by U.S. Mail should be mailed to:


**Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450**

Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (571) 272-3766 or via e-mail at [George.Opie@uspto.gov](mailto:George.Opie@uspto.gov). Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.



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